

REMARKS

This Response responds to the Final Office Action dated May 18, 2006. No claims are added, canceled or amended. As a result, claims 21-40 are pending in this patent application.

1. Real Party in Interest

The real party in interest of the above-captioned patent application is the Assignee, Lawson Software, Inc.

2. Related Appeals and Interferences

There are no other appeals or interferences known to Appellants that will have a bearing on the Board's decision in an appeal of this matter.

3. Status of the Claims

Claims 21-40 are currently pending in this patent application. A Final Office Action was mailed on May 18, 2006. Claims 21-40 stand finally rejected and their rejection is the subject of the appeal of this matter.

4. Status of Amendments

No claims have been amended.

5. Summary of Claimed Subject Matter

Independent method claim 21 relates to financial planning by managing stored data values representing spending resources of an organization. In an embodiment, data representing a spending capacity is received (*see, e.g.*, Application at page 9, lines 8-9) and in response, the spending capacity data is stored in a public area (*see, e.g.*, Application at page 9, lines 10-12). Data representing planned expense allocations are received (*see, e.g.*, Application at page 9, lines 4-7) and in response, the planned expense allocations are saved to a private area (*see, e.g.*, Application at page 9, lines 4-7). If the planned expense data satisfies a criterion based on the spending capacity, then the planned expense data is stored in the public area (*see, e.g.*, Application at page 9, lines 4-6; page 16, lines 13-18).

Independent method claim 31 relates to financial planning by managing stored data values representing spending resources of an organization. In an embodiment, a data hierarchy that represents an organization is created and stored (*see, e.g.*, Application at FIG. 7). A first data specifying a first resource capacity for a first hierarchical level is received and a second data specifying a second resource capacity for a second hierarchical level is received (*see, e.g.*, Application at page 16, lines 6-9). The second data is stored in a private area accessible by users in the particular sub-organization (*see, e.g.*, Application at page 16, lines 20-24). When the second data does not exceed the first resource capacity, then the second data is stored in a public area accessible by users of the first and second hierarchical levels (*see, e.g.*, Application at page 16, lines 6-8; page 16, lines 24-25). A third data specifying planned resource allocations for sub-organizations in the second hierarchical level is received and stored in a private area (*see, e.g.*, Application at page 16, lines 20-24). When the third data does not exceed the second resource capacity for a particular sub-organization, then the third data is stored in a public area (*see, e.g.*, Application at page 16, lines 16-19).

Independent method claim 35 relates to financial planning by managing stored data values representing spending resources of an organization. In an embodiment, a first data input that specifies a spending capacity for a department is received and stored in a public area (*see, e.g.*, Application at page 16, lines 6-8). A second data input that specifies one or more planned expenses for the department is received and stored in a private area (*see, e.g.*, Application at page 16, lines 20-24). If the planned expenses are not within the spending capacity for a department, then a request to increase the spending capacity for the department is received (*see, e.g.*, Application at page 16, lines 19-20) and if the request is allowed, then the spending capacity is updated (*see, e.g.*, Application at page 16, lines 10-12; lines 22-24). When the planned expenses are within the spending capacity, then they are stored in a public area (*see, e.g.*, Application at page 16, lines 16-19).

Independent computer-readable medium claim 38 relates to financial planning by managing stored data values representing spending resources of an organization. In an embodiment, data representing a spending capacity is received (*see, e.g.*, Application at page 9, lines 8-9) and in response, the spending capacity data is stored in a public area (*see, e.g.*, Application at page 9, lines 10-12). Data representing planned expense allocations are received

(*see, e.g.*, Application at page 9, lines 4-7) and in response, the planned expense allocations are saved to a private area (*see, e.g.*, Application at page 9, lines 4-7). If the planned expense data satisfies a criterion based on the spending capacity, then the planned expense data is stored in the public area (*see, e.g.*, Application at page 9, lines 4-6; page 16, lines 13-18).

Independent apparatus claim 39 relates to financial planning by managing stored data values representing spending resources of an organization. In an embodiment, data representing a spending capacity is received (*see, e.g.*, Application at page 9, lines 8-9) and in response, the spending capacity data is stored in a public area (*see, e.g.*, Application at page 9, lines 10-12). Data representing planned expense allocations are received (*see, e.g.*, Application at page 9, lines 4-7) and in response, the planned expense allocations are saved to a private area (*see, e.g.*, Application at page 9, lines 4-7). If the planned expense data satisfies a criterion based on the spending capacity, then the planned expense data is stored in the public area (*see, e.g.*, Application at page 9, lines 4-6; page 16, lines 13-18).

Independent apparatus claim 40 relates to financial planning by managing stored data values representing spending resources of an organization. In an embodiment, a network interface (*see, e.g.*, Application at FIG. 2 at 203) is coupled to a data network (*see, e.g.*, Application at FIG. 2 at 204). A processor is coupled to the network interface 203 that executes one or more stored sequences of instructions (*see, e.g.*, Application at FIG 2 at 200). The instructions cause the processor to carry out the following steps. Data representing a spending capacity is received (*see, e.g.*, Application at page 9, lines 8-9) and in response, the spending capacity data is stored in a public area (*see, e.g.*, Application at page 9, lines 10-12). Data representing planned expense allocations are received (*see, e.g.*, Application at page 9, lines 4-7) and in response, the planned expense allocations are saved to a private area (*see, e.g.*, Application at page 9, lines 4-7). If the planned expense data satisfies a criterion based on the spending capacity, then the planned expense data is stored in the public area (*see, e.g.*, Application at page 9, lines 4-6; page 16, lines 13-18).

6. Grounds for Rejection to Be Reviewed on Appeal

1) Was a *prima facie* case of anticipation under 35 U.S.C. § 102(e) properly made with respect to claims 21-40 using Sultan (U.S. Patent No. 6,804,657)?

7. Argument

A) *The Applicable Law*

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

B) *The References*

Sultan: discloses a system for global sales forecasting using a hierarchical structure (*see* Sultan at Abstract). Original pipeline sales data is aggregated and propagated up the hierarchy to generate a real time sales forecast. *Id.*

C) *Discussion of the Rejections*

C.1. *The rejection of claims 21-40 over Sultan (U.S. Patent No. 6,804,657).*

Appellants respectfully submit that a *prima facie* case of anticipation of claims 21-40 has not been established because Sultan fails to disclose all elements of the present claims.

Concerning claims 21, 35, 38, 39, and 40

In particular, Appellants cannot find in the cited portions of Sultan any disclosure or description of “receiving first data input that specifies a spending capacity for at least a portion of the organization” as currently recited in claim 21 and similarly recited in claims 35, 38, 39, and 40. Sultan apparently discloses obtaining “original pipeline sales information.” *See* Sultan at col. 2, lines 21-23. In an effort to cure this deficiency, the Final Office Action states:

Sultan discloses sales force corresponding to a spending capacity as claimed. The sales force of Sultan is the intended use for spending capacity. When a company is forecasting its sales then it has to forecast its spending capacity by focusing on its budget and sales information.

Final Office Action at pages 2-3, § B. It appears that the Examiner has taken official notice that a company’s sales forecast is equivalent to its spending capacity. Appellants respectfully

traverse this official notice and request the Examiner to provide a reference that describes such an element. Absent a reference, it appears that the Examiner is using personal knowledge and if such a case, then the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104(d)(2). Appellants assert that this sales information is not equivalent to a “spending capacity” as required by claims 21, 35, 38, 39, and 40. While sales information may provide some indication of expected revenue, of which some may be spent such as to cover expenses, sales data and spending capacity cannot be equated, nor is there necessarily a method for determining one from the other. Thus, because Sultan does not disclose or describe every element of claims 21, 35, 38, 39, and 40, Appellants respectfully request withdrawal of the basis of the rejection of these claims.

Moreover, Appellants cannot find in the cited portions of Sultan any disclosure or description of “in response to receiving the first data input, creating and storing spending capacity data in a public area” as currently recited in claim 21 and similarly recited in claims 35, 38, 39, and 40. First, the cited portions of Sultan simply do not describe any responsive action. Second, the cited portions of Sultan fail to describe “creating and storing spending capacity data.” Thus, because Sultan does not disclose or describe every element of claims 21, 35, 38, 39, and 40, Appellants respectfully request withdrawal of the basis of the rejection of these claims.

Moreover, Appellants cannot find in the cited portions of Sultan any disclosure or description of “receiving second data input that specifies one or more planned expense allocations for the portion of the organization” as currently recited in claim 21 and similarly recited in claims 35, 38, 39, and 40. Sultan apparently describes transmitting and saving sales forecast information. While the sales forecast information may indicate planned expense allocations of the various clients, it does not represent “planned expense allocations for the portion of the organization” as required by these claims. Thus, because Sultan does not disclose or describe every element of claims 1, 35, 38, 39, and 40, Appellants respectfully request withdrawal of the basis of the rejection of these claims.

Moreover, Appellants cannot find in the cited portions of Sultan any disclosure or description of “in response to receiving the second data input, creating and storing planned expense data in a private area, wherein the planned expense data defines the one or more planned expense allocations based on the second data input” as currently recited in claim 21 and similarly

recited in claims 35, 38, 39, and 40. The Office Action cites to FIG. 4 of Sultan to support its assertion that Sultan discloses or describes this element of these claims. However, after reviewing FIG. 4 and the associated text (Sultan col. 12, line 32 to col. 13, line 12), Appellants can only find a general description of a computer system 400 capable of implementing the methods described in Sultan. None of the portions of the cited material disclose a private area, much less “creating and storing planned expense data in the private area” as required by these claims. Thus, because Sultan does not disclose or describe every element of claims 1, 35, 38, 39, and 40, Appellants respectfully request withdrawal of the basis of the rejection of these claims.

Moreover, Appellants cannot find in the cited portions of Sultan any disclosure or description of “determining whether the planned expense data satisfies a criterion that is based on the spending capacity data” as currently recited in claim 21 and similarly recited in claims 35, 38, 39, and 40. The cited portions of Sultan apparently describe displaying and modifying sales forecast data. Appellants contend that sales forecast data is not equivalent to either “planned expense data” or “spending capacity data.” Furthermore, the modification of the forecast data, as described in Sultan, is apparently based on some *a priori* or other external knowledge of, for example, a supervisor who has particular knowledge of a client account. However, this is not “a criterion that is based on the spending capacity data” of the organization, as required by these claims. Thus, because Sultan does not disclose or describe every element of claims 1, 35, 38, 39, and 40, Appellants respectfully request withdrawal of the basis of the rejection of these claims.

Moreover, Appellants cannot find in the cited portions of Sultan any disclosure or description of “storing the planned expense data in the public area only when the planned expense data satisfies the criterion” as currently recited in claim 21 and similarly recited in claims 35, 38, 39, and 40. As discussed above, Appellants contend that Sultan fails to disclose or describe “planned expense data.” In light of this, storage of this “planned expense data” when it satisfies a criterion is also undisclosed in Sultan. Thus, because Sultan does not disclose or describe every element of claims 1, 35, 38, 39, and 40, Appellants respectfully request withdrawal of the basis of the rejection of these claims.

Concerning dependent claims 22-30

Dependent claims 22-30 depend on independent claim 21 either directly or indirectly, and accordingly incorporate the features of this independent claim. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For instance, Sultan does not teach or suggest “creating the planned expense data in the private area ... based on financial activity that is identified from monitoring [an] object that is related to financial activity” as described in the Abstract and claimed in claim 24. Similarly, Sultan does not teach or suggest “updating [a] first data that is stored in a public area to reflect [an allowable request] to modify [a] resource capacity for [a] portion of [an] organization” as described in claim 25. Thus, Appellants respectfully request withdrawal of the rejection of these claims.

Concerning claim 31

Appellants note that the Office Action rejected claim 31 by stating that “Sultan teaches a method as claimed in claim 21. Therefore the rationale applied in the rejection of claim 21 applies herein.” Office Action at page 5, ¶ 4. As a result, Appellants respectfully submit that this rejection has already been successfully traversed in the above discussion. Thus, because Sultan does not disclose or describe every element of claim 31, Appellants respectfully request withdrawal of the rejection of this claim.

Concerning dependent claims 32-34

Dependent claims 32-34 depend on independent claim 31 either directly or indirectly, and accordingly incorporate the features of this independent claim. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For instance, Sultan fails to teach or suggest “updating [a] second resource capacity for [a] particular sub-organization” based on an allowable request when a “third data exceeds the second resource capacity” as described in claim 32. Thus, Appellants respectfully request withdrawal of the rejection of these claims.

Concerning claims 36 and 37

As an initial note, the Office Action rejected the claims 21 and 35-40 in one section (*see* Office Action at page 2, ¶ 3 to page 3, ¶ 6). However, portions of the language in claim 36 are not similar to that of independent claims 21, 35, 38, 39, and 40.

Appellants respectfully submit that the rejection of claim 36 has already been successfully traversed in the discussion above related to claims 21, 35, 38, 39, and 40. In addition, Sultan fails to teach or suggest receiving input specifying revenue forecasts and “based on the overall revenue forecast and a profit and loss model, calculating an overall resource capacity for the business” as described in claim 36. Thus, because Sultan does not disclose or describe every element of claim 36, Appellants respectfully request withdrawal of the basis of the rejection of this claim.

Dependent claim 37 depends directly on independent claim 36, and accordingly incorporates the features of this independent claim. This dependent claim is accordingly believed to be patentable for at least the reasons stated herein. Thus, Appellants respectfully request withdrawal of this basis of rejection for this claim.

8. Summary

In sum, because the cited portions of Sultan apparently do not disclose all elements recited or incorporated in claims 21-40, Appellants respectfully submit that there is no *prima facie* case of anticipation of these claims. Therefore, Appellants respectfully request reversal of all bases of rejection of all claims.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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July 18, 2006

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of July 2006.

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